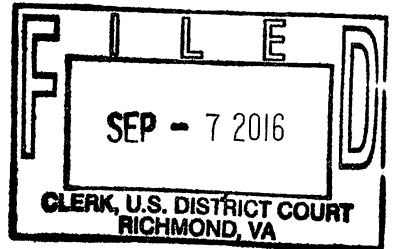


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



ALAN SCHINTZIUS, et al.,)
v.)
Plaintiffs-Petitioners,)
J. KIRK SHOWALTER, et al.,)
Defendants-Respondents.)

Civil Action No. **3:16CV740**

NOTICE OF REMOVAL

The defendants, J. Kirk Showalter, C. Starlet Stevens, and Cecilia A.B. Dabney (collectively, the “Defendants”), by counsel, hereby give notice pursuant to 28 U.S.C. §§ 1331 and 1446 of the removal to this Court of the action commenced against them in the Circuit Court for the City of Richmond, styled “Alan Schintzius, et al. v. J. Kirk Showalter, et al.,” Case No. CL16003874-00.

The following facts support removal on the basis of the existence of federal question jurisdiction:

1. On August 23, 2016, Alan Schintzius, Antwanette Brown, Annquinnette Kenney, Korvel Mabry, Phillip Ricks, Sharon Smith, and Chevis Warren commenced this action by filing a Complaint and Petition for Mandamus (the “Complaint”) in the Circuit Court for the City of Richmond. A copy of the Complaint is attached hereto as **Exhibit 1**.
2. The Complaint and summons were served upon the Defendants on August 24, 2016.
3. On September 7, 2016, the Defendants filed their Demurrer and Special Plea of Laches in the Circuit Court for the City of Richmond. A copy of the Demurrer and Special Plea of Laches are attached hereto as **Exhibits 2 and 3**, respectively.

4. This Court has original jurisdiction (“federal question jurisdiction”) over causes of action that arise under the Constitution and laws of the United States. 28 U.S.C. § 1331. The Complaint brings a cause of action under 42 U.S.C. § 1983. Counts I through IV of the Complaint allege violations of First and Fourteenth Amendments to the Constitution. The Complaint also generally alleges violations of the Virginia Constitution, though it does not clearly pray for relief under Virginia law. To the extent that state law claims are deemed to be included, this Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1337(a).

5. The Eastern District of Virginia, Richmond Division, is the United States District Court and division thereof embracing the place where the state court action is pending.

6. This Notice is filed within thirty (30) days after service of the initial pleading upon the defendants.

7. The pleadings and papers served upon defendants consist of the Complaint attached as Exhibit 1.

8. On this date, the defendants served the Clerk of the Circuit Court for the City of Richmond with a Notice of Filing of this Notice of Removal, together with Exhibits, for filing, pursuant to 28 U.S.C. § 1446(d). A copy of that notice is attached as Exhibit 4.

9. On this date, the defendants served counsel for the Plaintiff a copy of the Notice of Filing of this Notice of Removal, with Exhibits, pursuant to 28 U.S.C. § 1446(d).

11. All defendants consent to removal of this action to federal court.

WHEREFORE, the defendants, J. Kirk Showalter, C. Starlet Stevens, and Cecilia A.B. Dabney, by counsel, respectfully request that the United States District Court for the Eastern District of Virginia assume jurisdiction over this matter.

Date: September 7, 2016

Respectfully submitted,

J. KIRK SHOWALTER
C. STARLET STEVENS
CECILIA A.B. DABNEY

By: 

Counsel

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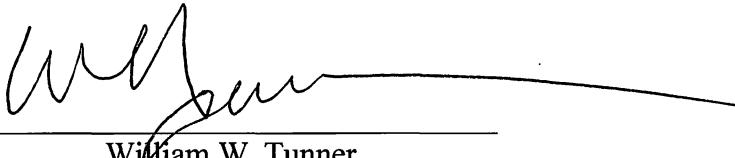
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon the following counsel of record via hand-delivery, this 7th day of September, 2016:

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